

# Notice of Allowability

Application No.

09/199,604

Examiner

St. John Courtenay III

Applicant(s)

SOBESKI ET AL.

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to arguments presented in Appeal Brief.
2. ☒ The allowed claim(s) is/are 1-28, now renumbered 1-28.
3. ☒ The drawings filed on 25 November 1998 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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St. John Courtenay III  
Primary Examiner  
Art Unit: 2126

### **Examiner's Statement of Reasons for Allowance**

The Examiner has reconsidered and withdrawn the rejections responsive to Applicant's arguments presented within the Appeal Brief filed April 19, 2004.

Applicant has argued that the claimed use of the adjective "dynamic" is distinguished from the liberal use of the term by Corkill and others. The Examiner has reconsidered and interpreted the claims in a manner consistent with Applicant's arguments in light of the specification. "When an applicant states the meaning that claim terms are intended to have, the claims should be examined with that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art." In re Zeltz, 893, F.2d 319, 321, 13 USPQ 2d 1320, 1322 (Fed. Cir. 1989).

In addition, U.S. patent 6,473,768 is newly cited in this office action.

The '768 patent to Srivastava et al. discloses a method of modifying an executing application that includes a modifier engine that has the capability of adding or deleting behaviors of an application while the application is executing that can be triggered in two ways: (1) by the application itself, or, (2) by a set of launched tools such as "palettes, property editors, catalogs, and logic editors" [see col. 3, lines 58-67]. Significantly, the '768 patent discloses a "ModifiableApplet" that contains the "real applet" [col. 5, line 65].

However, the Srivastava '768 patent fails to teach or fairly suggest a discrete, single object having a plurality of dynamic behaviors, as claimed in the instant application.

Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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### **How to Contact the Examiner:**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to St. John Courtenay III, J.D., M.B.A., whose voice telephone number is **(703) 308-5217**. A voice mail service is also available at this number. Normal Flex work schedule: M – F 7:30 AM - 4:00 PM

- **All responses sent by U.S. Mail should be mailed to:**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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### **Patent Customers advised to FAX communications to the USPTO**

**<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/faxnotice.pdf>**

**Effective Oct. 15, 2003, ALL patent application correspondence transmitted by FAX must be directed to the new PTO central FAX number:**

**NEW PTO CENTRAL FAX NUMBER:  
703-872-9306**


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- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (703) 305-3900.**

**Please direct inquiries regarding fees, paper matching, and other issues not involving the Examiner to:**

**Technical Center 2100 CUSTOMER SERVICE: 703 306-5631**

The Manual of Patent Examining Procedure (MPEP) is available online at:  
**<http://www.uspto.gov/web/offices/pac/mpep/index.html>**

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**ST. JOHN COURTENAY III  
PRIMARY EXAMINER**